

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCHEDULING ORDER

VEDRAN ZAVISIC,

Criminal No. 07-CR-193A

Defendant.

On September 24, 2012, the above-named defendant was arraigned in open court on an indictment, pursuant to Federal Rules of Criminal Procedure 10 and Local Rule 33, and entered a plea of not guilty pursuant to Fed.R.Crim.P. 11(a)(1). Immediately following arraignment, a pretrial conference was held with counsel and the following motion schedule was set:

- (1) All voluntary discovery shall be completed by **October 31, 2012**.
- (2) All pretrial motions, both dispositive and non-dispositive, including all supporting papers and memoranda of law in support thereof, shall be filed by **December 14, 2012**.
- (3) All responses to pretrial motions, including all supporting papers and memoranda of law in support thereof, filed in accordance with the preceding paragraph shall be filed by **January 15, 2013**.
- (4) Oral argument on any pretrial motions shall be heard on **January 30, 2013 at 10:30 a.m.**
- (5) **IF NO MOTIONS ARE FILED ON OR BEFORE THE AFORESAID DATE, THE GOVERNMENT IS HEREBY ORDERED TO APPLY FOR A TRIAL DATE FROM HON. RICHARD J. ARCARA NO LATER THAN DECEMBER 17, 2012.**

In accordance with the United States Supreme Court's decisions in *Zedner v. United States*, 547 U.S. 489 (2006) and *Bloate v. United States*, 559 U.S. ___, No. 08-728 (Mar.

8, 2010), the period of time from the date of this order, until the date of making and/or filing of pretrial motions is excluded pursuant to and in accordance with the provisions contained in 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. § 3161(h)(7)(B)(iv) for the reasons stated on the record herein.

If no motions are filed by the filing date set forth in paragraph (2), the case shall be referred to the district court judge to whom the case is assigned for trial and the speedy trial exclusion set forth above shall terminate as of the cutoff date for the filing of motions set forth herein.

Any requests for extension of the above dates must be made by the filing of a motion, electronically, with the Clerk of the Court, prior to the due date. Such application shall be made only after conferring with all other parties and shall include a suggested rescheduled date, agreeable to all parties. As a general rule, no request for an extension will be granted unless extraordinary circumstances are present.

Failure by any party to raise defenses or objections, or to make requests which must be made prior to trial at the time set forth in this scheduling order or prior to any extension made by the court shall constitute a waiver thereof. FedR.Crim.P. 12(f).

Counsel for the parties are directed to provide the Court with a courtesy copy of Motions, Responses, Replies, Memoranda of Law, and Exhibits clearly marked.

SO ORDERED.

S/ H. Kenneth Schroeder, Jr.
H. KENNETH SCHROEDER, JR.
United States Magistrate Judge

DATED: September 28, 2012
Buffalo, New York